
From: Esher, Diana
Sent: Tuesday, June 7, 2022 11:05 AM
To: Swan, Russell
Cc: Ford, Lucretia; Waters, Anthony; Schuman, Kevin
Subject: Approval for Remote Work - Abraham

I have carefully reviewed the remote work application for Dennis Abraham and the information provided by you, as the supervisor, regarding the applicable criteria.

Based on the AFGE Remote Work Article for bargaining unit employees, I approve this request. Per the EPA Order 3110.32, individual remote work agreements must be renewed every 12 months.

Please be on the look out for further instructions from Lucretia Ford on how to proceed with this approval. You may let your employee know that it's been approved and moving through the final process.



Diana Esher
Deputy Regional Administrator
US EPA Mid-Atlantic Region
Phone 215-814-2706
Email esher.diana@epa.gov



Appendix D - EPA-AFGE Remote Work Application/Agreement

Employee Name: Dennis M Abraham	Job Title & Grade: Senior Assistant Regional Counsel, GS14-10
AAship/Region and Division: ORC, Region 3	Address of Official Agency Worksite: Four Penn Center, 1600 John F. Kennedy Blvd., Philadelphia,
Employee's Work Phone: 215-814-5214	Employee's Work E-mail Address: abraham.dennis@epa.gov
First-line Supervisor: Russell Swan	First-line Supervisor's Work Phone: 215-814-5387
Proposed Start Date: June 2022	If Temporary, Proposed End Date:
Address of Remote Work Location (Including city, state and zip code): (b) (6)	
Within same Locality Pay Area of Official Agency Worksite: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [Changes to an LPA may take significant time to process. Pending Agency processing, interim arrangements may be used.]	
Phone Number: 215-814-5214	Alternate Phone Number (if available): (b) (6)
Request: Check one: <input checked="" type="checkbox"/> New Request <input type="checkbox"/> Request for Modification to Existing Agreement Check if for temporary period: <input type="checkbox"/> Temporary	
Section 2. Employee's Approved Schedule: Approved Schedule Attached. Future schedule changes will be approved through the Agency Time and Reporting System.	
Section 3. Safety Certification Safety Certification: The "Employee Self-Certification Safety Checklist" identifies significant safety standards that must be met to seek approval for Remote Work. The employee will notify the supervisor if anything changes at the location and submit a new "Employee Self-Certification Safety Checklist," if applicable.	
Section 4. Employee Certification and Signature <div style="text-align: center; font-family: cursive; font-size: 1.2em;">Dennis M. Abraham</div>	
Employee Certification: I certify that I have read and understand the EPA-AFGE Remote Work Article and this Remote Work Agreement. I agree to comply with the terms of the Article and will work in accordance with this Remote Work Agreement. I will adhere to all applicable guidelines, policies for timekeeping and leave, and responsibilities for government equipment and records. I have the equipment necessary to accomplish my work at my official duty station.	
<input checked="" type="checkbox"/> Remote Work Training taken on <u>04/11/2022</u> date (if available) and evidence attached. (Telework Training acceptable until Remote Training developed.)	

Explain how you can perform all of your duties as effectively from the RWL as from the Official Agency worksite, and how approval of this request will not diminish the Agency's ability to accomplish its mission and meet its operational goals:

I am capable of effectively performing all of the duties and responsibilities associated with my position as Senior Assistant Regional Counsel in the Air & Toxics Branch from my remote work location. In the same way as if I were working from the Regional Office, my laptop allows me to coordinate (through the use of "Teams" teleconference) in order to discuss and develop enforcement strategies with my technical counterpart in ECAD concerning each of my assigned cases. Utilizing the Agency email system also allows me to communicate in a timely fashion with my Program client, upper management, and my first-line manager, Russell Swan. The Teams system also allows me to communicate with opposing counsel in connection with the negotiation of my cases where needed. I am also able to develop and produce settlement documents, using Model documents found on the ORC Intranet site, in coordination with ECAD, OECA, and DOJ in connection with settlement negotiations or litigation. And finally, the EHB has now made it possible to file documents electronically in administrative litigation, and to have administrative hearings virtually.

Approval/Disapproval (attach documentation):

☐

Approved

☐ Disapproved (cite reason(s) below)

Employee's Signature:

Dennis M. Abraham

Date:

04/11/2022

Supervisor's Signature:

Russell Swan

Date:

4/14/2022

AA/RA (or designee) Signature:

Date:

Distribution: The supervisor and the employee should keep a copy of this form for their own records. A copy shall also be forwarded to the program/regional office remote work coordinator.

PRIVACY ACT STATEMENT

Authority: The Telework Enhancement Act of 2010 (December 9, 2010); Public Law 111-292.

Purpose: The information collected may be used to contact EPA personnel for the purposes of conducting business.

Routine Use: This information may be disclosed to a Federal, State, local agency, or other public authorities where necessary or pursuant to the Routine Uses outlined in the Privacy Act System of Records: Remote Work Application/Agreement Records.

Disclosure: The information you are providing is voluntary. However, failure to provide this information will prevent the EPA from approving or further processing your remote work application/agreement.

From: Esher, Diana
Sent: Thursday, June 30, 2022 1:33 PM
To: Parent, Suzanne
Cc: Ford, Lucretia; Schuman, Kevin; Waters, Anthony
Subject: Remote Work Approval - Cinti

I have carefully reviewed the remote work application for Tom Cinti and the information provided by you, as the supervisor, regarding the applicable criteria.

Based on the AFGE Remote Work Article for bargaining unit employees, I approve this request. Per the EPA Order 3110.32, individual remote work agreements must be renewed every 12 months.

Please be on the look out for further instructions from Lucretia Ford on how to proceed with this approval. You may let your employee know that it's been approved and moving through the final process.

Diana



Diana Esher

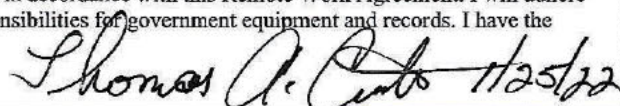
Deputy Regional Administrator
US EPA Mid-Atlantic Region

Phone 215-814-2706

Email esher.diana@epa.gov



Appendix D - EPA-AFGE Remote Work Application/Agreement

Employee Name: Thomas A. Cinti	Job Title & Grade: Attorney/Advisor Grade 14
AAship/Region and Division: Region III/ORC	Address of Official Agency Worksite: 1650 Arch Street, Philadelphia, PA 19103
Employee's Work Phone: (215) 814-2634	Employee's Work E-mail Address: cinti.thomas@epa.gov
First-line Supervisor: Suzanne Parent	First-line Supervisor's Work Phone: (215) 814-2630
Proposed Start Date: March 6, 2022	If Temporary, Proposed End Date:
Address of Remote Work Location (Including city, state and zip code): (b) (6)	
Within same Locality Pay Area of Official Agency Worksite: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [Changes to an LPA may take significant time to process. Pending Agency processing, interim arrangements may be used.]	
Phone Number: (b) (6)	Alternate Phone Number (if available): (b) (6)
Request: Check one: <input checked="" type="checkbox"/> New Request <input type="checkbox"/> Request for Modification to Existing Agreement Check if for temporary period: <input type="checkbox"/> Temporary	
Section 2. Employee's Approved Schedule: Approved Schedule Attached. Future schedule changes will be approved through the Agency Time and Reporting System.	
Section 3. Safety Certification Safety Certification: The "Employee Self-Certification Safety Checklist" identifies significant safety standards that must be met to seek approval for Remote Work. The employee will notify the supervisor if anything changes at the location and submit a new "Employee Self-Certification Safety Checklist," if applicable.	
Section 4. Employee Certification and Signature Employee Certification: I certify that I have read and understand the EPA-AFGE Remote Work Article and this Remote Work Agreement. I agree to comply with the terms of the Article and will work in accordance with this Remote Work Agreement. I will adhere to all applicable guidelines, policies for timekeeping and leave, and responsibilities for government equipment and records. I have the equipment necessary to accomplish my work at my official duty station.	
	
<input checked="" type="checkbox"/> Remote Work Training taken on <u>07/29/2019</u> date (if available) and evidence attached. (Telework Training acceptable until Remote Training developed.)	

Explain how you can perform all of your duties as effectively from the RWL as from the Official Agency worksite, and how approval of this request will not diminish the Agency's ability to accomplish its mission and meet its operational goals:

Since March of 2020, I have been working remotely, and during that time I have effectively performed my duties and accom

Approval/Disapproval (attach documentation):

- ☐ Approved
☐ Disapproved (cite reason(s) below)

Employee's Signature:

THOMAS CINTI

Digitally signed by THOMAS CINTI
Date: 2022.01.20 15:06:12 -05'00'

Date:

Supervisor's Signature:

Parent, Suzanne

Digitally signed by Parent, Suzanne
Date: 2022.04.07 12:41:06 -04'00'

Date:

AA/RA (or designee) Signature:

Date:

Distribution: The supervisor and the employee should keep a copy of this form for their own records. A copy shall also be forwarded to the program/regional office remote work coordinator.

PRIVACY ACT STATEMENT

Authority: The Telework Enhancement Act of 2010 (December 9, 2010); Public Law 111-292.

Purpose: The information collected may be used to contact EPA personnel for the purposes of conducting business.

Routine Use: This information may be disclosed to a Federal, State, local agency, or other public authorities where necessary or pursuant to the Routine Uses outlined in the Privacy Act System of Records: Remote Work Application/Agreement Records.

Disclosure: The information you are providing is voluntary. However, failure to provide this information will prevent the EPA from approving or further processing your remote work application/agreement.

**Addendum to Explanation Section of Thomas A. Cinti's Remote Work
Application—
Submitted 1/20/22 (Revised 3/21/22)**

I am a senior attorney with over 25 years of service at EPA/ORC. As discussed in detail below, I meet all the requirements for remote work. Granting my application for remote work “will not diminish the Agency’s ability to accomplish its mission and meet its operational goals.” I work independently and do not require close personal supervision over my day-to-day tasks. In fact, I serve as the Regional Lead or Regional Expert in several areas including: Regional Lead Counsel for Land Revitalization (and Regional representative on the National Committee as well as ORC’s representative on the Region’s “Land Revitalization Action Team”), Regional Bankruptcy Expert (and Regional representative on the National Bankruptcy Workgroup), and Regional State Superfund Contract (“SSC”) Expert. I also serve on both the Regional and ORC EJ Workgroups, and I have for many years effectively handled these tasks remotely.

1. Duties

My duties are as follows:

a. Provide Timely and Sound Legal Counsel

My specific duties under this element are as follows: counsel program clients and ORC attorneys on all areas of CERCLA law (with specific emphasis on State Superfund Contracts and Brownfields/Reuse) and all areas of bankruptcy law and EJ issues, draft letters, memoranda and other documents in support of same, such as SSCs, AOCs, Comfort Letters, PPAs, easements and UECA covenants, for and on behalf of SEMD; review and comment on SEMD documents, including RI/FS reports, RODs, Proposed Plans and Five Year Reviews; review and comment on ARARs; ICs, financial assurance instruments and other legal requirements; update various dockets on applicable databases; participate in monthly National Cleanup Liability and Reuse Teams meetings and the Bankruptcy National Workgroup monthly Teams meetings, as well regular ORC and Regional EJ Teams meetings; providing input/comment to HQ on national policy issues related to Brownfields/Reuse issues, Bankruptcy policy, and EJ issues.

All of this work is completely portable and can be done just as effectively from my RWL, as demonstrated by the seamless performance of my work during the pandemic. Virtually all of the counseling I provide to HQ and DOJ has been done remotely for years, and it’s irrelevant whether I access a Teams meeting from my office or from my RWL. Likewise, much of my day-to-day counseling of my program clients has always been conducted remotely. Many of my clients are regularly in the field, and meeting remotely is the only option. Teams meetings have proved an effective alternative to face-to-face meetings or conference calls. As for the drafting and review of documents, we no longer circulate paper copies with handwritten comments. All of my document reviews are now done via electronic documents, often times on a shared platform like Teams to enhance collaboration. Thus, all of my counsel duties can be performed at my RWL with equal, if not superior, efficiency than can be done in the office.

b. Handles Judicial and Administrative Litigation on Behalf of the EPA

My specific duties under this element are as follows: draft letters, legal briefs, pleadings, proofs of claims, memoranda and other documents, such as Consent Decrees and stipulations for and on behalf of my program clients; participate as team member and/or co-lead attorney with DOJ and HQ in civil litigation, including cost recovery cases and bankruptcy matters. Lead negotiator on cost recovery and bankruptcy settlements and provide counseling to Regional program clients, HQ and DOJ on negotiation strategies and tactics.

All of this work is completely portable and can be done just as effectively from my RWL, as demonstrated by the seamless performance of my work during the pandemic. Moreover, for years now the Federal Courts had been moving toward paperless litigation, and COVID only accelerated these efforts. In the kind of complex litigation that I handle, parties no longer sort through reams of paper documents. Instead, documents are digitized and stored in the cloud. These documents can be reviewed with equal efficiency in the office or my RWL. Likewise, during litigation, the bulk of my communications are with HQ or DOJ. These communications have always been done remotely, and it's irrelevant whether the Teams meeting I have with DOJ or HQ originates from my office or from my RWL. Even with my program clients in the Region, a significant portion of my day-to-day interaction with them occurs via Teams because many of my clients are regularly in the field or teleworking. Finally, given the cost of travel, and the number of parties involved in complex litigation, it is rare these days for opposing counsel to all travel to a central location to negotiate settlement terms. Instead, most large settlement conferences these days are conducted remotely. As way of illustration, in the last two years I have litigated two highly complex and highly contested matters almost completely remotely (*In re: PES* and *In re: Exide*) and was able to seamlessly and successfully litigate these cases from my RWL. Furthermore, in the 4 years leading up to the COVID lockdown (2016 to 2020), I only had three litigation meetings in the office, less than once per year. The remainder of the negotiations were conducted remotely. As for drafting and reviewing litigation documents, just as is the case with my counseling documents, all of my document drafting and reviews are now done electronically, often times on a shared platform like Teams to enhance collaboration. Thus, all of my litigation duties can be performed at my RWL with equal, if not superior, efficiency than can be done in the office.

c. Establishes and Maintains Effective Relationship in Support of Agency Mission

As discussed in detail in sections 1.a. and 1.b. above, the nature of my duties is such that I have always regularly maintained effective relationships with my program clients, HQ, DOJ and state counterparts. Other than those program clients that exist in the Region, I have always successfully managed to maintain these relationships without meeting face-to-face in the office. I reviewed my meetings for the last 4 years prior to COVID (2016 to 2020), and I did not have a single meeting with a HQ or DOJ counterpart in my office. All contact was either by phone or Teams meeting or, on rare occasions, I traveled to Washington, D.C. to meet with them. Likewise, most of my state counterparts do not have the funds to travel to Philadelphia to meet. I reviewed my meetings for the last 4 years prior to COVID (2016 to 2020), and I only had two meetings with my state counterparts in my office. Finally, while I am more likely to meet with my Regional program client in the office, given that many of my clients are in the field or

teleworking, virtually all of those meetings were successfully run as hybrid meetings (some people appearing in person and some on Teams or the phone). Thus, as demonstrated by my pre-COVID experience, I can and have maintained effective relationships both from my RWL and in the office.

d. Demonstrates Adaptability and Initiative in Completing Assignments

The nature of my duties is such that I often work on time-sensitive projects. In over 25 years, I have never missed a deadline or failed to complete an assignment in a timely fashion; however, this has never been the result of my being physically present in the office. As discussed in detail in sections 1.a. and 1.b. above, all of my work is completely portable and can be done just as effectively from my RWL as in the office. I work collaboratively with my program clients, ORC, HQ, DOJ and my state counterparts via the computer or phone, and I receive and transmit documents electronically. I also attend meetings effectively via Teams with no face-to-face contact required. I have virtually no paper files remaining after the move; therefore, whether in the office or at my RWL, I communicate and collaborate via phone, the computer/email and relevant software, including Outlook, Teams, Adobe, Excel, Word, OneDrive and SharePoint, and other tools. My program clients and I effectively communicate and collaborate with no need to meet in-person, as proven by the fact that for many years prior to the pandemic I worked remotely approximately 50% of the time and many of my program clients were, and will in the future be, in the field or working from alternate work locations much of the time. I have no required routine in-person duties, and I work well independently and do not require face-to-face management support. Thus, as demonstrated by my pre-COVID experience, I can and have effectively completed all of my assignments in a timely fashion with equal facility from the office and from my RWL.

2. All of My Duties Can and Are Effectively Performed at my RWL

As documented above with specificity in connection with each of my duties, all of my duties can be effectively performed at my RWL. Virtually all of the counseling I provide to HQ and DOJ has been done remotely for years, and it's irrelevant whether I access a Teams meeting from my office or from my RWL. Likewise, much of my day-to-day counseling of my program clients has always been conducted remotely. Many of my clients are regularly in the field, and meeting remotely is the only option. Teams meetings have proved an effective alternative to face-to-face meetings or conference calls.

Likewise, in the kind of complex litigation that I handle, paper documents are no longer produced. Instead, documents are digitized and stored in the cloud. These documents can be reviewed with equal efficiency in the office or my RWL. Furthermore, during litigation, the bulk of my communications are with HQ or DOJ. These communications have always been done remotely, and I can access Teams with equal effectiveness from my office or from my RWL.

Even though my practice involves a fair amount of negotiations, negotiating is now done with equal effectiveness on a remote basis. Even prior to COVID, as the technology improved, negotiations began to be conducted remotely on a regular basis. Clients refused to pay their attorneys' time and travel to meet in person for a two hour meeting. Similarly, my state

counterparts cannot justify the cost to travel for in-person meetings. I reviewed my schedule, and in the 4 years prior to COVID (2016 to 2020) I only had three litigation meetings and two meetings with my state counterparts in the Philadelphia office. All of my other negotiation meetings were conducted remotely or on travel, which can be done with equal effectiveness from the office or my RWL.

As for the drafting and review of documents, we no longer circulate paper copies with handwritten comments. All of my document reviews are now done via electronic documents, often times on a shared platform like Teams to enhance collaboration. Thus, all of my duties can be performed at my RWL with equal, if not superior, efficiency than can be done in the office.

3. Approving this Request Will Not Diminish EPA's Ability to Accomplish Its Mission or Meet Its Goals

Thus, in light of all the foregoing, it is evident that the granting of this request for remote work will not diminish in any way EPA's ability to accomplish its mission and/or meet its operational goals. Moreover, there is little or no expense to the Agency for my remote work since my RWL is in the LCA, and the Agency will save funds by not providing me a transit subsidy or dedicated office space. As demonstrated by the number of "in-office" negotiation meetings that I had in the 4 years prior to COVID, it may be expected that I would have to be physically present in the office on average once a year. I live in the LCA, and the cost to have me travel into the office once per year is minimal (less than \$10) and dwarfed by the savings to the Agency by: (1) avoiding the overhead of having me present in the office (energy usage, water usage, etc.), (2) avoiding the cost of my transit subsidy; and (3) avoiding the wear and tear on Agency equipment (office furniture, etc.). In short, granting this request will not diminish, but rather enhance, EPA's ability to accomplish its mission and meet its goals.

From: Esher, Diana
Sent: Tuesday, October 25, 2022 7:29 AM
To: Briggs-Steuteville, Sheila
Cc: Ford, Lucretia; Schuman, Kevin; Waters, Anthony
Subject: Approval for Remote Work

I have carefully reviewed the remote work application for Ben Cohan and the information provided by you, as the supervisor, regarding the applicable criteria.

Based on the AFGE Remote Work Article for bargaining unit employees, I approve this request. Per the EPA Order 3110.32, individual remote work agreements must be renewed every 12 months.

Please be on the look out for further instructions from Lucretia Ford on how to proceed with this approval. You may let your employee know that it's been approved and moving through the final process.

Diana



Diana Esher

Deputy Regional Administrator
US EPA Mid-Atlantic Region

Phone 215-814-2706

Email esher.diana@epa.gov



Appendix D - EPA-AFGE Remote Work Application/Agreement

Employee Name: Benjamin M. Cohan	Job Title & Grade: Sr. Regional Counsel, GS-14
AAship/Region and Division: Region 3	Address of Official Agency Worksite: 1600 JFK Boulevard Phila PA 19103-2029
Employee's Work Phone: 215-814-2618	Employee's Work E-mail Address: cohan.benjamin@epa.gov
First-line Supervisor: Sheila Briggs-Steuteville	First-line Supervisor's Work Phone: 215-814-2468
Proposed Start Date: 8/29/2022	If Temporary, Proposed End Date:
Address of Remote Work Location (Including city, state and zip code): (b) (6)	
Within same Locality Pay Area of Official Agency Worksite: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [Changes to an LPA may take significant time to process. Pending Agency processing, interim arrangements may be used.]	
Phone Number: (b) (6)	Alternate Phone Number (if available):
Request: Check one: <input checked="" type="checkbox"/> New Request <input type="checkbox"/> Request for Modification to Existing Agreement Check if for temporary period: <input type="checkbox"/> Temporary	
Section 2. Employee's Approved Schedule: Approved Schedule Attached. Future schedule changes will be approved through the Agency Time and Reporting System.	
Section 3. Safety Certification Safety Certification: The "Employee Self-Certification Safety Checklist" identifies significant safety standards that must be met to seek approval for Remote Work. The employee will notify the supervisor if anything changes at the location and submit a new "Employee Self-Certification Safety Checklist," if applicable.	
Section 4. Employee Certification and Signature	
Employee Certification: I certify that I have read and understand the EPA-AFGE Remote Work Article and this Remote Work Agreement. I agree to comply with the terms of the Article and will work in accordance with this Remote Work Agreement. I will adhere to all applicable guidelines, policies for timekeeping and leave, and responsibilities for government equipment and records. I have the equipment necessary to accomplish my work at my official duty station.	
<input checked="" type="checkbox"/> Remote Work Training taken on <u>date of telework</u> date (if available) and evidence attached. (Telework Training acceptable until Remote Training developed.)	

Explain how you can perform all of your duties as effectively from the RWL as from the Official Agency worksite, and how approval of this request will not diminish the Agency's ability to accomplish its mission and meet its operational goals:

I am a senior attorney with over 30 years of multi-media legal service to EPA and ORC. I meet all of the requirements for remote work as evinced by my existing Flexiplace Agreement which provides that I am to work 4 days remotely, and one day in the office. In fact, I have been working 100% remotely since March 10, 2020 (as a result of the office-wide Covid policies providing for remote work), and I have thus far received (b) (6)

(b) (6) In fact, I have successfully handled complex administrative litigation (e.g. AME) in addition to negotiating and resolving major superfund settlements (e.g. DS&G RA CD). Thus, I can and have performed all of my duties more than effectively because I have in fact done so since March of 2020. Therefore, officially granting my application for remote work "will not diminish the agency's ability to accomplish its mission and meet its operational goals." For the past 2+ years, I have demonstrated that I work independently and do not require close supervision over my day to day tasks. And to the extent that I do need management input, I have found that Teams, email etc. are effective and efficient means of accomplishing my work, as evinced by my effective use of this technology

Approval/Disapproval (attach documentation):

☐

Approved

☐

Disapproved (cite reason(s) below)

Employee's Signature:

BENJAMIN COHAN

Digitally signed by BENJAMIN
COHAN
Date: 2022.08.14 19:21:34 -04'00'

Date:

8.14.22

Supervisor's Signature:

SHEILA BRIGGS-
STEUTEVILLE

Digitally signed by SHEILA
BRIGGS-STEUTEVILLE
Date: 2022.08.24 07:49:49 -04'00'

Date:

AA/RA (or designee) Signature:

Date:

Distribution: The supervisor and the employee should keep a copy of this form for their own records. A copy shall also be forwarded to the program/regional office remote work coordinator.

PRIVACY ACT STATEMENT

Authority: The Telework Enhancement Act of 2010 (December 9, 2010); Public Law 111-292.

Purpose: The information collected may be used to contact EPA personnel for the purposes of conducting business.

Routine Use: This information may be disclosed to a Federal, State, local agency, or other public authorities where necessary or pursuant to the Routine Uses outlined in the Privacy Act System of Records: Remote Work Application/Agreement Records.

Disclosure: The information you are providing is voluntary. However, failure to provide this information will prevent the EPA from approving or further processing your remote work application/agreement.

Expanded Explanation Text:

I am a senior attorney with over 30 years of multi-media legal service to EPA and ORC. I meet all of the requirements for remote work as evinced by my existing Flexiplace Agreement which provides that I am to work 4 days remotely, and one day in the office. In fact, I have been working 100% remotely since March 10, 2020 (as a result of the office-wide Covid policies providing for remote work), and I have thus far received (b) (6)

In fact, I have successfully handled complex administrative litigation (e.g. AME) in addition to negotiating and resolving major superfund settlements (e.g. DS&G RA CD). Thus, I can and have performed all of my duties more than effectively because I have in fact done so since March of 2020. Therefore, officially granting my application for remote work "will not diminish the agency's ability to accomplish its mission and meet its operational goals." For the past 2+ years, I have demonstrated that I work independently and do not require close supervision over my day to day tasks. And to the extent that I do need management input, I have found that Teams, email etc. are effective and efficient means of accomplishing my work, as evinced by my effective use of this technology over the past several years. Therefore, as evinced by my 2+ year track record in remote status, and given the fact that I already have a 4 day per week flexiplace agreement in place, I have established that while in remote status: 1) I provide timely and sound legal counsel; 2) I successfully and efficiently handle judicial and admin. litigation on behalf of EPA, including remote depositions; 3) I establish and maintain effective relationships in support of the Agency mission; and 4) I have demonstrated adaptability and initiative in completing assignments, including complex litigation. Therefore, all of my duties have and will continue to be effectively performed at my RWL. Given my current work status and track record as a successful remote employee, approving this request will not in any way diminish EPA's ability to accomplish its mission and meet its goals.

From: Esher, Diana
Sent: Wednesday, May 4, 2022 7:08 PM
To: Swan, Russell
Cc: Ford, Lucretia; Schuman, Kevin; Waters, Anthony
Subject: Remote Work Approval

I have carefully reviewed the remote work application for AJ D'Angelo and the provided by you, as the supervisor, regarding the applicable criteria.

Based on the AFGE Remote Work Article for bargaining unit employees, I approve this request. Per the EPA Order 3110.32, individual remote work agreements must be renewed every 12 months.


Please be on the look out for further instructions from Lucretia Ford on how to proceed with this approval. You may let your employee know that it's been approved and moving through the final process.



Diana Esher
Deputy Regional Administrator
US EPA Mid-Atlantic Region
Phone 215-814-2706
Email esher.diana@epa.gov



Appendix D - EPA-AFGE Remote Work Application/Agreement

Employee Name: Angelo J. D'Angelo	Job Title & Grade: Attorney-Advisor / GS-14
AAship/Region and Division: EPA R3, Office of Regional Counsel	Address of Official Agency Worksite: 4 Penn Center, 1600 JFK Blvd., Philadelphia, PA 19103-2852
Employee's Work Phone: 215-814-2480	Employee's Work E-mail Address: dangelo.aj@epa.gov
First-line Supervisor: Russell Swan	First-line Supervisor's Work Phone: 215-814-5387
Proposed Start Date: May 22, 2022 (or upon opening of new office)	If Temporary, Proposed End Date:
Address of Remote Work Location (Including city, state and zip code): (b) (6)	
Within same Locality Pay Area of Official Agency Worksite: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [Changes to an LPA may take significant time to process. Pending Agency processing, interim arrangements may be used.]	
Phone Number: (b) (6)	Alternate Phone Number (if available): (b) (6)
Request: Check one: <input checked="" type="checkbox"/> New Request <input type="checkbox"/> Request for Modification to Existing Agreement Check if for temporary period: <input type="checkbox"/> Temporary	
Section 2. Employee's Approved Schedule: Approved Schedule Attached. Future schedule changes will be approved through the Agency Time and Reporting System.	
Section 3. Safety Certification Safety Certification: The "Employee Self-Certification Safety Checklist" identifies significant safety standards that must be met to seek approval for Remote Work. The employee will notify the supervisor if anything changes at the location and submit a new "Employee Self-Certification Safety Checklist," if applicable.	
Section 4. Employee Certification and Signature <div style="display: flex; justify-content: space-between; align-items: center;"> <div style="text-align: center;">  <p>ANGELO D'ANGELO</p> </div> <div style="text-align: right;"> <p>Digitally signed by ANGELO D'ANGELO Date: 2022.03.24 14:58:15 -04'00'</p> </div> </div>	
Employee Certification: I certify that I have read and understand the EPA-AFGE Remote Work Article and this Remote Work Agreement. I agree to comply with the terms of the Article and will work in accordance with this Remote Work Agreement. I will adhere to all applicable guidelines, policies for timekeeping and leave, and responsibilities for government equipment and records. I have the equipment necessary to accomplish my work at my official duty station.	
<input checked="" type="checkbox"/> Remote Work Training taken on <u>8/3/16&7/22/19</u> date (if available) and evidence attached. (Telework Training acceptable until Remote Training developed.)	

Explain how you can perform all of your duties as effectively from the RWL as from the Official Agency worksite, and how approval of this request will not diminish the Agency's ability to accomplish its mission and meet its operational goals:

I am a Senior attorney with over 31+ years of EPA enforcement experience, including a voluminous number of litigated ma

+

Approval/Disapproval (attach documentation):

- ☐ Approved
☐ Disapproved (cite reason(s) below)

Employee's Signature: ANGELO D'ANGELO	Digitally signed by ANGELO D'ANGELO Date: 2022.03.24 14:59:53 -04'00'	Date: March 24, 2022
Supervisor's Signature: RUSSELL SWAN	Digitally signed by RUSSELL SWAN Date: 2022.03.28 14:08:19 -04'00'	Date: March 28, 2022
AA/RA (or designee) Signature:		Date:

Distribution: The supervisor and the employee should keep a copy of this form for their own records. A copy shall also be forwarded to the program/regional office remote work coordinator.

PRIVACY ACT STATEMENT

Authority: The Telework Enhancement Act of 2010 (December 9, 2010); Public Law 111-292.

Purpose: The information collected may be used to contact EPA personnel for the purposes of conducting business.

Routine Use: This information may be disclosed to a Federal, State, local agency, or other public authorities where necessary or pursuant to the Routine Uses outlined in the Privacy Act System of Records: Remote Work Application/Agreement Records.

Disclosure: The information you are providing is voluntary. However, failure to provide this information will prevent the EPA from approving or further processing your remote work application/agreement.

Expanded Explanation Text:

I am a Senior attorney with over 31+ years of EPA enforcement experience, including a voluminous number of litigated matters, multiple administrative hearings and a 16-month ORC managerial detail. As an enforcement attorney in the Region's Air & Toxics Branch, my work includes: collecting and analyzing documented evidence of violations in the development of a record to support CAA, FIFRA, TSCA and EPCRA enforcement actions, including the drafting of associated information requests, subpoenas, notices of violation and warrant packages; draft legal documents in support of administrative and civil judicial enforcement actions and litigation, including administrative complaints, consent agreements, orders and other similar and supporting documentation; performing associated legal research, drafting legal memos and briefing papers and analyzing legal matters of first impression to advise ECAD decision-makers in enforcement matters and policy decisions; providing recommendations to ORC and ECAD management concerning the referral of judicial enforcement cases to the Department of Justice and the commencement and pursuit of administrative enforcement actions before judicial and administrative tribunals; participation in case settlement negotiations, representing the Region in all phases of administrative and civil judicial litigation; and regular collaboration with EPA Region 3 and other regional, EPA headquarters (OECA and OGC) and state legal and enforcement management and staff in pursuit of national consistency in the enforcement of environmental requirements and in dealings with the regulated community, via participation in various regularly scheduled national enforcement conference calls. All necessary legal research may also be performed electronically through Westlaw, Hein Online, etc. With the availability of Microsoft Teams and similar electronic communication platforms (e.g., Zoom), I have no need to attend internal or outside meetings in person – and have not done so for these past 2 pandemic years. My various, regularly scheduled docket meetings, training courses (including continuing legal education courses necessary for attorney licensing) and other staff and management case-related meetings are all now being conducted successfully and efficiently via Microsoft Teams (or Zoom) and our EPA Administrative Law Judges have also expressed a preference for electronic hearings. In addition, outside parties now expressed a noted preference for such online meetings, as they save significantly in terms of travel, time and expense while still allowing for a personal meeting that can readily be attended by numerous representatives and which provides a ready presentation (e.g., PowerPoint) platform. Internally, all legal document reviews, concurrences, signatures and filings are now performed electronically and have, therefore, also become fully conducive to remote work. I have found remote work to be practical, efficient and less prone to interruption or distraction. Remote work dispenses with the lengthy commute I would otherwise have into the office (which is approximately 1 hour and 15 minutes each way to and from the office) and enables me to be more fresh, focused and attentive to my work while simultaneously affording me more time to attend to personal and ageing parental needs. My remote work will also result in Agency Transit Funds saving and (as my home is the same pay region as the office) my salary will not increase due to a locality pay change. I have also had the opportunity to attend both staff and managerial Telework training courses. I have consistently been a high performer throughout my EPA career and prior to the pandemic, consistently received the highest performance ratings from my ORC Branch Chief supervisors. That has continued during these past 2 pandemic years, as I have received (b) (6)

I am confident in stating that ALL of my above-described work is now portable in nature and does not require or necessitate the use of EPA office materials or equipment, other than my laptop. I also believe I have strongly demonstrated that I have become accustomed, comfortable and proficient at performing ALL of my

work remotely--- and I therefore hope to be allowed and afforded the continuing opportunity and privilege of continuing to work remotely. Thank you sincerely for your thoughtful consideration of my Remote Work Application.

From: Esher, Diana
Sent: Wednesday, August 24, 2022 12:10 PM
To: Gardner, Allison
Cc: Schuman, Kevin; Ford, Lucretia; Waters, Anthony; Rodrigues, Cecil
Subject: Remote Work Approval - Kelly Gable

I have carefully reviewed the remote work application for Kelly Gable and the information provided by you, as the supervisor, regarding the applicable criteria.

EPA Region 3 depends heavily upon Kelly's unique legal expertise regarding Chesapeake Bay policy and program matters. Based on this unique expertise and the AFGC Remote Work Article for bargaining unit employees, I approve this request. Per the EPA Order 3110.32, individual remote work agreements must be renewed every 12 months.

Please be on the look out for further instructions from Lucretia Ford on how to proceed with this approval. You may let your employee know that it's been approved and moving through the final process.

Diana



Diana Esher
Deputy Regional Administrator
US EPA Mid-Atlantic Region
Phone 215-814-2706
Email esher.diana@epa.gov



Appendix D - EPA-AFGE Remote Work Application/Agreement

Employee Name: Kelly Gable	Job Title & Grade: Attorney, GS 14
AAship/Region and Division: Region 3 Office of Regional Counsel	Address of Official Agency Worksite: Four Penn Center, Philadelphia PA 19103
Employee's Work Phone: 215-814-2471	Employee's Work E-mail Address: gable.kelly@epa.gov
First-line Supervisor: Nina Rivera	First-line Supervisor's Work Phone: 215-814-2667
Proposed Start Date: 07/31/2022	If Temporary, Proposed End Date: N/A
Address of Remote Work Location (Including city, state and zip code): (b) (6)	
Within same Locality Pay Area of Official Agency Worksite: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [Changes to an LPA may take significant time to process. Pending Agency processing, interim arrangements may be used.]	
Phone Number: (b) (6)	Alternate Phone Number (if available): N/A
Request: Check one: <input checked="" type="checkbox"/> New Request <input type="checkbox"/> Request for Modification to Existing Agreement Check if for temporary period: <input type="checkbox"/> Temporary	
Section 2. Employee's Approved Schedule: Approved Schedule Attached. Future schedule changes will be approved through the Agency Time and Reporting System.	
Section 3. Safety Certification Safety Certification: The "Employee Self-Certification Safety Checklist" identifies significant safety standards that must be met to seek approval for Remote Work. The employee will notify the supervisor if anything changes at the location and submit a new "Employee Self-Certification Safety Checklist," if applicable.	
Section 4. Employee Certification and Signature	
Employee Certification: I certify that I have read and understand the EPA-AFGE Remote Work Article and this Remote Work Agreement. I agree to comply with the terms of the Article and will work in accordance with this Remote Work Agreement. I will adhere to all applicable guidelines, policies for timekeeping and leave, and responsibilities for government equipment and records. I have the equipment necessary to accomplish my work at my official duty station.	
<input checked="" type="checkbox"/> Remote Work Training taken on <u>04/07/2022</u> date (if available) and evidence attached. (Telework Training acceptable until Remote Training developed.)	

Explain how you can perform all of your duties as effectively from the RWL as from the Official Agency worksite, and how approval of this request will not diminish the Agency's ability to accomplish its mission and meet its operational goals:

See attached.

Approval/Disapproval (attach documentation):

☐

Approved

☐

Disapproved (cite reason(s) below)

Employee's Signature:

KELLY GABLE

Digitally signed by KELLY GABLE
Date: 2022.07.12 12:37:53 -04'00'

Date:

Supervisor's Signature:

Nina Rivera

Digitally signed by Nina Rivera
Date: 2022.07.18 15:50:20
-04'00'

Date:

AA/RA (or designee) Signature:

Date:

Distribution: The supervisor and the employee should keep a copy of this form for their own records. A copy shall also be forwarded to the program/regional office remote work coordinator.

PRIVACY ACT STATEMENT

Authority: The Telework Enhancement Act of 2010 (December 9, 2010); Public Law 111-292.

Purpose: The information collected may be used to contact EPA personnel for the purposes of conducting business.

Routine Use: This information may be disclosed to a Federal, State, local agency, or other public authorities where necessary or pursuant to the Routine Uses outlined in the Privacy Act System of Records: Remote Work Application/Agreement Records.

Disclosure: The information you are providing is voluntary. However, failure to provide this information will prevent the EPA from approving or further processing your remote work application/agreement.

Attachment to Kelly Gable's July 12, 2022 EPA-AFGE Remote Work Application/Agreement – EPA Form 3181-13 Appendix D

This document provides and/or explains in further detail the information required by the EPA-AFGE Remote Work Application/Agreement (EPA Form 3181-13 Appendix D).

Section 2 – Employee approved schedule

A pdf document of my approved schedule as shown in PeoplePlus is attached as a separate pdf document.

Section 3 – Remote work safety checklist

A pdf document of my remote work safety checklist is attached as a separate pdf document. This is substantively the same as the telework safety checklist for the same location, which was approved, so there is no reason to anticipate any issues with this checklist.

Section 4 – Evidence of remote work training certification

A pdf document of my telework training certification, dated April 7, 2022, is attached as a separate document. Per the remote application form, evidence of telework training certification is acceptable until separate remote work training is developed.

Section 4 (cont'd) – Explanation of remote work application

As a senior attorney with over a decade of experience in supporting the Agency's mission in implementing a variety of environmental statutes, I meet all the requirements for remote work – it will not cause impediment to my work, burden others, or disrupt communication in any way. I have demonstrated my ability to handle numerous matters independently without the need for close supervision (in person or otherwise). This track record includes my proven ability to work as a full-time remote employee since March 2020 and the ability to successfully work as a telework employee for years prior to that.

Approval of this request not only will not diminish the Agency's ability to accomplish its mission and meet its operational goals, but it will enhance the ability to do so by enabling the retention of a senior attorney with deep experience and expertise in a number of areas. Substantively, I have over a decade of experience handling complicated Clean Water Act counseling issues in a number of high-profile areas. There would be no change or disruption to carrying out my duties; my work is completely portable and I can perform all of my duties just as effectively from the RWL as from the official Agency worksite. My duties as an attorney primarily consist of providing legal counsel to the Regional program client on a variety of issues. This involves meetings, all of which are either virtual or hybrid; telephone or Teams calls; online research; coordinating with clients and with HQ via telephone/Teams calls or emails; participating in national workgroup meetings (all virtual); and drafting and reviewing legal documents. All of these duties can be done just as effectively from my RWL, do not require access to in-office resources, and would cause no disruption to customer service with any Agency customers or stakeholders. There also would be no adverse impact on other programs or offices; indeed, I have completed these duties 100% remotely for the past 2+ years not only successfully but with distinction.

I do not anticipate the need to return to the Agency worksite, though I am able and willing to do so if required by my supervisor. Although there would be a slight increase in locality pay, that amount would be offset almost entirely by (b) (6)

Working remotely, I also would save the Agency the costs of overhead and using Agency resources in the Philadelphia office. In terms of travel costs, I do not anticipate needing to come into the office at all; if I did need to come in for some reason or if required by my supervisor, it is likely that the travel costs would be minor, as I'm on the Amtrak Northeast Regional line.

In conclusion, I meet all the requirements for remote work: 100% of the my work is portable; authorization for remote work will not unduly shift functions or responsibilities to other employees or require reassignment of current work or tasks to other staff; there is no adverse impact on other offices or programs; tasks or work assignments can be performed at least equally effectively at the RWL; my work does not require access to in office resources; there will be no foreseen disruption to customer service with any agency customers or stakeholders; I do not have duties or work assignments requiring face-to-face customer service or coworker interface; and I have a demonstrated track record of meeting performance plan objectives and working without close supervision.

From: Esher, Diana
Sent: Thursday, April 28, 2022 7:00 PM
To: Briggs-Steuteville, Sheila
Cc: RemoteWprk@epa.gov; Ford, Lucretia; Schuman, Kevin
Subject: Remote Work Approval

I have carefully reviewed the remote work application for Andrew Goldman and the information provided by you, as the supervisor, regarding the applicable criteria.

Based on the AFGE Remote Work Article for bargaining unit employees, I approve this request. Per the EPA Order 3110.32, individual remote work agreements must be renewed every 12 months.

Please be on the look out for further instructions from Lucretia Ford on how to proceed with this approval. You may let your employee know that it's been approved and moving through the final process.



Diana Esher
Deputy Regional Administrator
US EPA Mid-Atlantic Region
Phone 215-814-2706
Email esher.diana@epa.gov



Appendix D - EPA-AFGE Remote Work Application/Agreement	
Employee Name: Andrew S. Goldman	Job Title & Grade: Sr. Assistant Regional Counsel (GS15/10)
AAship/Region and Division: R3/ORC	Address of Official Agency Worksite: 1650 Arch Street, Philadelphia, PA 19103
Employee's Work Phone: 215-814-2487	Employee's Work E-mail Address: goldman.andrew@epa.gov
First-line Supervisor: Sheila Briggs-Steuteville	First-line Supervisor's Work Phone: 215-814-2468
Proposed Start Date: May 2, 2022	If Temporary, Proposed End Date:
Address of Remote Work Location (Including city, state and zip code): (b) (6)	
Within same Locality Pay Area of Official Agency Worksite: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [Changes to an LPA may take significant time to process. Pending Agency processing, interim arrangements may be used.]	
Phone Number: (b) (6)	Alternate Phone Number (if available): (b) (6)
Request: Check one: <input checked="" type="checkbox"/> New Request <input type="checkbox"/> Request for Modification to Existing Agreement Check if for temporary period: <input type="checkbox"/> Temporary	
Section 2. Employee's Approved Schedule: Approved Schedule Attached. Future schedule changes will be approved through the Agency Time and Reporting System.	
Section 3. Safety Certification Safety Certification: The "Employee Self-Certification Safety Checklist" identifies significant safety standards that must be met to seek approval for Remote Work. The employee will notify the supervisor if anything changes at the location and submit a new "Employee Self-Certification Safety Checklist," if applicable.	
Section 4. Employee Certification and Signature Employee Certification: I certify that I have read and understand the EPA-AFGE Remote Work Article and this Remote Work Agreement. I agree to comply with the terms of the Article and will work in accordance with this Remote Work Agreement. I will adhere to all applicable guidelines, policies for timekeeping and leave, and responsibilities for government equipment and records. I have the equipment necessary to accomplish my work at my official duty station.	
<input checked="" type="checkbox"/> Remote Work Training taken on 3-10-22 date (if available) and evidence attached. (Telework Training acceptable until Remote Training developed.)	

Explain how you can perform all of your duties as effectively from the RWL as from the Official Agency worksite, and how approval of this request will not diminish the Agency's ability to accomplish its mission and meet its operational goals:

See attached.

Approval/Disapproval (attach documentation):

- ☐ Approved
☐ Disapproved (cite reason(s) below)

Employee's Signature:	ANDREW GOLDMAN <small>Digitally signed by ANDREW GOLDMAN Date: 2022.03.30 15:41:42 -0400</small>	Date:
Supervisor's Signature:	SHEILA BRIGGS-STEUTEVILLE <small>Digitally signed by SHEILA BRIGGS-STEUTEVILLE Date: 2022.03.31 08:01:48 -0400</small>	Date:
AA/RA (or designee) Signature:		Date:

Distribution: The supervisor and the employee should keep a copy of this form for their own records. A copy shall also be forwarded to the program/regional office remote work coordinator.

PRIVACY ACT STATEMENT

Authority: The Telework Enhancement Act of 2010 (December 9, 2010); Public Law 111-292.

Purpose: The information collected may be used to contact EPA personnel for the purposes of conducting business.

Routine Use: This information may be disclosed to a Federal, State, local agency, or other public authorities where necessary or pursuant to the Routine Uses outlined in the Privacy Act System of Records: Remote Work Application/Agreement Records.

Disclosure: The information you are providing is voluntary. However, failure to provide this information will prevent the EPA from approving or further processing your remote work application/agreement.

QUESTION: Explain how you can perform all of your duties as effectively from the RWL as from the Official Agency worksite, and how approval of this request will not diminish the Agency's ability to accomplish its mission and meet its operational goals.

ANSWER:

I. My Job Duties

I am an attorney in the Office of Regional Counsel in CERCLA Branch 1. My work is almost exclusively counseling of, and enforcement support for, Superfund staff and managers in the Superfund & Emergency Management Division. That work includes, among other things:

- Counseling the Removal, Remedial, Site Assessment, and Cost Recovery Programs on such matters as:
 - Accessing private property
 - Preparing Action Memoranda, Proposed Remedial Action Plans, Records of Decision, Statutory Exemption Requests, Explanations of Significant Differences, and ROD Amendments authorizing the performance of Removal or Remedial Actions
 - Compiling administrative records supporting the selection of Removal or Remedial Actions
 - Complying with the U.S. Constitution, CERCLA, the NCP, delegations, and EPA policy in preparing for and performing Removal Actions, Remedial Actions, and Site Assessments
 - Responding to written complaints and concerns from the public and elected officials
 - Responding to FOIA requests
 - Performing consultations under the Section 106 of the National Historic Preservation Act
 - Issuance of information request letters
 - Assessing statute of limitation issues
 - Issuing Lien Notices
- Enforcement support for the Removal, Remedial, Site Assessment, and Cost Recovery Programs including:
 - Negotiating access agreements
 - Preparing administrative access orders
 - Preparing referrals to DOJ for administrative warrants for access and hearings before U.S. Magistrates
 - Preparing referrals to DOJ for court-ordered access
 - Issuing administrative orders compelling implementation of Removal or Remedial Actions
 - Compiling administrative records supporting issuance of administrative orders for access and for implementation of Removal or Remedial actions
 - Preparing referrals to DOJ seeking court-ordered compliance with administrative orders for access or for implementation of Removal Actions
 - Preparing Pre-Referral Negotiation Reports and Litigation reports in advance of negotiations with PRPs for Remedial Action and Cost Recovery settlements

- Preparing consent decrees and statements of work for negotiations with PRPs for Remedial Action and Cost Recovery settlements
- Participating in administrative hearings on lien notices

These lists provide examples of the types of work I perform and are not intended to be comprehensive.

Yes. The most expeditious way of substantiating this claim is to point out that I have (1) performed many of these duties remotely for the past 2 years during the COVID pandemic, and (2) (b) (6)(b) (6) (b) (6)(b) (6)(b) (6)(b) (6)(b) (6)(b) (6)(b) (6)(b) (6)(b) (6)(b) (6). The following list provides examples of the site-specific work I performed remotely during the period between October 1, 2020 and September 29, 2021:

2

Attachment to Application for Remote Work Status
Andrew Goldman (Office of Regional Counsel)

[illegible]

Attachment to Application for Remote Work Status
Andrew Goldman (Office of Regional Counsel)

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(b) (7) (A)	(b) (7) (A)(b) (7) (A)(b) (7) (A)(b) (7) (A)

In addition to this work, I also performed the following non-site specific work during this timeframe:

- Developed presentation on Access Fundamentals for RPMs
- Developed presentation on warrants for Region 6 enforcement conference
- Represented R3 on CERCLA National Removal Attorneys Work Group
- Worked on upgrades to Region 3 Model RDRA Consent Decree and Statement of Work
- Worked on upgrades to Region 3 model administrative Superfund documents
- Advocated for consistent administrative record establishment process
- Advocated for limited contractor participation in securing access
- Participated on team developing standardized reporting of case information
- Participated on team developing weekly removal reporting
- Provided access counseling on numerous cases to which I am not assigned

I would be pleased to discuss further should there be any questions.

Appendix D - EPA-AFGE Remote Work Application/Agreement

Employee Name: Joyce Howell	Job Title & Grade: Attorney Advisor, GS 15
AAship/Region and Division: Region 3	Address of Official Agency Worksite: 1650 Arch Street, Philadelphia, PA 19103
Employee's Work Phone: 215-814-2644	Employee's Work E-mail Address: howell.joyce@epa.gov
First-line Supervisor: Nina Rivera	First-line Supervisor's Work Phone: 215-814-2667
Proposed Start Date: May 2, 2022	If Temporary, Proposed End Date: n/a
Address of Remote Work Location (Including city, state and zip code): (b) (6)	
Within same Locality Pay Area of Official Agency Worksite: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [Changes to an LPA may take significant time to process. Pending Agency processing, interim arrangements may be used.]	
Phone Number: (b) (6)	Alternate Phone Number (if available): n/a
Request: Check one: <input checked="" type="checkbox"/> New Request <input type="checkbox"/> Request for Modification to Existing Agreement Check if for temporary period: <input type="checkbox"/> Temporary	
Section 2. Employee's Approved Schedule: Approved Schedule Attached. Future schedule changes will be approved through the Agency Time and Reporting System.	
Section 3. Safety Certification Safety Certification: The "Employee Self-Certification Safety Checklist" identifies significant safety standards that must be met to seek approval for Remote Work. The employee will notify the supervisor if anything changes at the location and submit a new "Employee Self-Certification Safety Checklist," if applicable.	
Section 4. Employee Certification and Signature	
Employee Certification: I certify that I have read and understand the EPA-AFGE Remote Work Article and this Remote Work Agreement. I agree to comply with the terms of the Article and will work in accordance with this Remote Work Agreement. I will adhere to all applicable guidelines, policies for timekeeping and leave, and responsibilities for government equipment and records. I have the equipment necessary to accomplish my work at my official duty station.	
<input checked="" type="checkbox"/> Remote Work Training taken on <u>12.26.2021</u> date (if available) and evidence attached. (Telework Training acceptable until Remote Training developed.)	

Explain how you can perform all of your duties as effectively from the RWL as from the Official Agency worksite, and how approval of this request will not diminish the Agency's ability to accomplish its mission and meet its operational goals:

Presently I am Executive Vice President for AFGE Council 238. Under the terms of the Interim MCBA, Article 4, Section 8, as EVP I am afforded up to 100% official time. Under the terms of the Memorandum of Understanding, dated 3.31.2022, attached, union officials with 100% official time are considered eligible, for remote work or a telework agreement without subjection to an analysis of their position of record with the Agency.

Approval/Disapproval (attach documentation):

☒

Approved

☐

Disapproved (cite reason(s) below)

See attached memo

Employee's Signature:

JOYCE HOWELL

Digitally signed by JOYCE
HOWELL
Date: 2022.04.04 10:19:37 -04'00'

Date:

4.4.2022

Supervisor's Signature:

Date:

AA/RA (or designee) Signature:

Diana Esher

Digitally signed by Diana Esher
Date: 2022.07.21 22:55:55
-04'00'

Date:

Distribution: The supervisor and the employee should keep a copy of this form for their own records. A copy shall also be forwarded to the program/regional office remote work coordinator.

PRIVACY ACT STATEMENT

Authority: The Telework Enhancement Act of 2010 (December 9, 2010); Public Law 111-292.

Purpose: The information collected may be used to contact EPA personnel for the purposes of conducting business.

Routine Use: This information may be disclosed to a Federal, State, local agency, or other public authorities where necessary or pursuant to the Routine Uses outlined in the Privacy Act System of Records: Remote Work Application/Agreement Records.

Disclosure: The information you are providing is voluntary. However, failure to provide this information will prevent the EPA from approving or further processing your remote work application/agreement.

From: Esher, Diana
Sent: Monday, April 18, 2022 11:52 AM
To: Ford, Lucretia; Waters, Anthony
Cc: Thomas, Donzetta; Schuman, Kevin
Subject: Approval of Remote Work Application

I have carefully reviewed the remote work application for Daniel Isales and the information provided by the supervisor, Donzetta Thomas, regarding the applicable criteria.

Based on the AFGE Remote Work Article for bargaining unit employees, I approve this request. Per the EPA Order 3110.32, individual remote work agreements must be renewed every 12 months.



Diana Esher

Deputy Regional Administrator
US EPA Mid-Atlantic Region

Phone 215-814-2706

Email esher.diana@epa.gov



Appendix D - EPA-AFGE Remote Work Application/Agreement

Employee Name: Daniel Isales	Job Title & Grade: Assistant Regional Counsel, GS-15
AAship/Region and Division: Region III, Office of Regional Counsel	Address of Official Agency Worksite: 701 Mapes Road, Fort Meade, MD 20755-5350
Employee's Work Phone: 410-305-3016	Employee's Work E-mail Address: isales.daniel@epa.gov
First-line Supervisor: Donzetta Thomas	First-line Supervisor's Work Phone: 215-814-2474
Proposed Start Date: 3/28/22	If Temporary, Proposed End Date:
Address of Remote Work Location (Including city, state and zip code): (b) (6)	
Within same Locality Pay Area of Official Agency Worksite: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [Changes to an LPA may take significant time to process. Pending Agency processing, interim arrangements may be used.]	
Phone Number: (b) (6)	Alternate Phone Number (if available): (b) (6)
Request: Check one: <input checked="" type="checkbox"/> New Request <input type="checkbox"/> Request for Modification to Existing Agreement Check if for temporary period: <input type="checkbox"/> Temporary	
Section 2. Employee's Approved Schedule: Approved Schedule Attached. Future schedule changes will be approved through the Agency Time and Reporting System.	
Section 3. Safety Certification Safety Certification: The "Employee Self-Certification Safety Checklist" identifies significant safety standards that must be met to seek approval for Remote Work. The employee will notify the supervisor if anything changes at the location and submit a new "Employee Self-Certification Safety Checklist," if applicable.	
Section 4. Employee Certification and Signature	
Employee Certification: I certify that I have read and understand the EPA-AFGE Remote Work Article and this Remote Work Agreement. I agree to comply with the terms of the Article and will work in accordance with this Remote Work Agreement. I will adhere to all applicable guidelines, policies for timekeeping and leave, and responsibilities for government equipment and records. I have the equipment necessary to accomplish my work at my official duty station.	
<input checked="" type="checkbox"/> Remote Work Training taken on <u>03/04/2022</u> date (if available) and evidence attached. (Telework Training acceptable until Remote Training developed.)	



Explain how you can perform all of your duties as effectively from the RWL as from the Official Agency worksite, and how approval of this request will not diminish the Agency's ability to accomplish its mission and meet its operational goals:

I moved from the Philadelphia regional office to the Fort Meade field office in 2001. Since then, a very large component of my work has always functioned as if I were working remotely as most of my clients were based out of Philadelphia. Prior to the reorganization in the Office of Regional Counsel I did enforcement work and I was able to attend to those cases working from Fort Meade with the same ease as any attorney in Philadelphia. I did so by using all the tools at my disposal and maintaining close communication with my clients at all times. As needed I went to the Philadelphia regional office for settlement conference or for other needed in-person events. I remain available to go to either the Philadelphia regional office or the Fort Meade field office as needed to complete my work and can do so at minimal cost to the Agency.

I am currently working in the multimedia counseling branch and as such I handle a variety of matters, including the Coal Combustion Residual Rulemaking under the Resource, Recovery and Conservation Act, the Certification and Training Program under the Federal Insecticide, Fungicide and Rodenticide Act, Title VI of the Civil Rights Act of 1964,

Approval/Disapproval (attach documentation):

☐ Approved
☐ Disapproved (cite reason(s) below)

Employee's Signature:  DANIEL ISALES <small>Digitally signed by DANIEL ISALES Date: 2022.03.21 15:40:33 -04'00'</small>	Date:
Supervisor's Signature:  DONZETTA THOMAS <small>Digitally signed by DONZETTA THOMAS Date: 2022.03.22 09:21:29 -04'00'</small>	Date:
AA/RA (or designee) Signature:	Date:
Distribution: The supervisor and the employee should keep a copy of this form for their own records. A copy shall also be forwarded to the program/regional office remote work coordinator.	

PRIVACY ACT STATEMENT

Authority: The Telework Enhancement Act of 2010 (December 9, 2010); Public Law 111-292.

Purpose: The information collected may be used to contact EPA personnel for the purposes of conducting business.

Routine Use: This information may be disclosed to a Federal, State, local agency, or other public authorities where necessary or pursuant to the Routine Uses outlined in the Privacy Act System of Records: Remote Work Application/Agreement Records.

Disclosure: The information you are providing is voluntary. However, failure to provide this information will prevent the EPA from approving or further processing your remote work application/agreement.

Expanded Explanation Text:

I moved from the Philadelphia regional office to the Fort Meade field office in 2001. Since then, a very large component of my work has always functioned as if I were working remotely as most of my clients were based out of Philadelphia. Prior to the reorganization in the Office of Regional Counsel I did enforcement work and I was able to attend to those cases working from Fort Meade with the same ease as any attorney in Philadelphia. I did so by using all the tools at my disposal and maintaining close communication with my clients at all times. As needed I went to the Philadelphia regional office for settlement conference or for other needed in-person events. I remain available to go to either the Philadelphia regional office or the Fort Meade field office as needed to complete my work and can do so at minimal cost to the Agency.

I am currently working in the multimedia counseling branch and as such I handle a variety of matters, including the Coal Combustion Residual Rulemaking under the Resource, Recovery and Conservation Act, the Certification and Training Program under the Federal Insecticide, Fungicide and Rodenticide Act, Title VI of the Civil Rights Act of 1964, Environmental Justice, Tribal matters, some Clean Act matters (such as infrastructures State Implementation Plans or Title V Permit Petitions) and limited matters involving PCBs. In order to carry out the above work, I interact with a variety of offices from Region 3, headquarters and other regions. I am able to accomplish the work by using the tools available, such as teleconferencing, video conferencing, email, Sharepoint sites and chat functions; the transmission and movement of documents can all be accomplished via digital means. Moreover, all research can now be accomplished online and I have not had the need to go to a legal library for many years. In essence, over the course of the last 20 years, I have been able to effectively work from any location as long as I have had my laptop and a phone available. I continue to offer my clients the same level of availability as when I was in the office, which is aided by the fact that I have over thirty years of experience working for EPA Region 3 and have established working relationship with many of those I interact with.

In sum, because of the combination of the type of work I am currently doing, the tools I have available to carry out my work, and my experience as an Assistant Regional Counsel, I am able to effectively contribute to the Agency's mission and assist it in meeting its operational goals.

From: Esher, Diana
Sent: Sunday, March 20, 2022 5:56 PM
To: Ford, Lucretia; Schuman, Kevin
Cc: Gardner, Allison
Subject: Approval of Remote Work Application

I have carefully reviewed the remote work application for Joseph Lisa and the information provided by the supervisor, Allison Gardiner, regarding the applicable criteria.

Based on the AFGE Remote Work Article for bargaining unit employees, I approve this request. Per the EPA Order 3110.32, individual remote work agreements must be renewed every 12 months.



Diana Esher

Deputy Regional Administrator
US EPA Mid-Atlantic Region

Phone 215-814-2706

Email esher.diana@epa.gov



Appendix D - EPA-AFGE Remote Work Application/Agreement

Employee Name: Joseph J Lisa	Job Title & Grade: Regional Judicial Officer/ GS-15
AAship/Region and Division: Region 3 Office of Regional Counsel	Address of Official Agency Worksite: 1650 Arch Street, Philadelphia, PA
Employee's Work Phone: 215-814-2479	Employee's Work E-mail Address: lisa.joseph@epa.gov
First-line Supervisor: Cecil Rodrigues	First-line Supervisor's Work Phone: 215-266-2960
Proposed Start Date: March 1, 2022 or when authorized	If Temporary, Proposed End Date:
Address of Remote Work Location (Including city, state and zip code): (b) (6)	
Within same Locality Pay Area of Official Agency Worksite: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [Changes to an LPA may take significant time to process. Pending Agency processing, interim arrangements may be used.]	
Phone Number: (b) (6)	Alternate Phone Number (if available):
Request: Check one: <input checked="" type="checkbox"/> New Request <input type="checkbox"/> Request for Modification to Existing Agreement Check if for temporary period: <input type="checkbox"/> Temporary	
Section 2. Employee's Approved Schedule: Approved Schedule Attached. Future schedule changes will be approved through the Agency Time and Reporting System.	
Section 3. Safety Certification Safety Certification: The "Employee Self-Certification Safety Checklist" identifies significant safety standards that must be met to seek approval for Remote Work. The employee will notify the supervisor if anything changes at the location and submit a new "Employee Self-Certification Safety Checklist," if applicable.	
Section 4. Employee Certification and Signature <div style="display: flex; align-items: center;"> <div style="margin-right: 20px;"> JOSEPH LISA </div> <div> Digitally signed by JOSEPH LISA Date: 2022.01.24 19:22:17 -05'00' </div> </div>	
Employee Certification: I certify that I have read and understand the EPA-AFGE Remote Work Article and this Remote Work Agreement. I agree to comply with the terms of the Article and will work in accordance with this Remote Work Agreement. I will adhere to all applicable guidelines, policies for timekeeping and leave, and responsibilities for government equipment and records. I have the equipment necessary to accomplish my work at my official duty station.	
<input checked="" type="checkbox"/> Remote Work Training taken on <u>8/2016 telework</u> date (if available) and evidence attached. (Telework Training acceptable until Remote Training developed.)	

Explain how you can perform all of your duties as effectively from the RWL as from the Official Agency worksite, and how approval of this request will not diminish the Agency's ability to accomplish its mission and meet its operational goals:

90% of my work for the Region concerns my role as the Region's Regional Judicial Officer. As RJO my work is currently a



Approval/Disapproval (attach documentation):

- ☐ Approved
☐ Disapproved (cite reason(s) below)

Employee's Signature:

JOSEPH LISA

Digitally signed by JOSEPH LISA
Date: 2022.01.19 10:05:01 -05'00'

Date:

1/19/2022

Supervisor's Signature:

ALLISON
GARDNER

Digitally signed by ALLISON GARDNER
Date: 2022 02 07 13 35 09 -05'00'

Date:

2/7/2022

AA/RA (or designee) Signature:

Date:

Distribution: The supervisor and the employee should keep a copy of this form for their own records. A copy shall also be forwarded to the program/regional office remote work coordinator.

PRIVACY ACT STATEMENT

Authority: The Telework Enhancement Act of 2010 (December 9, 2010); Public Law 111-292.

Purpose: The information collected may be used to contact EPA personnel for the purposes of conducting business.

Routine Use: This information may be disclosed to a Federal, State, local agency, or other public authorities where necessary or pursuant to the Routine Uses outlined in the Privacy Act System of Records: Remote Work Application/Agreement Records.

Disclosure: The information you are providing is voluntary. However, failure to provide this information will prevent the EPA from approving or further processing your remote work application/agreement.

Expanded Explanation Text:

90% of my work for the Region concerns my role as the Region's Regional Judicial Officer. As RJO my work is currently and in the future will be completed electronically. I have issued standing orders during the pandemic requiring the submission of all documents for my review to be made electronically. In the Spring of 2022, the Agency will roll out an electronic filing system formally requiring the filing of all documents for electronic review and signature by RJOs. As the RJO, in accordance with the Part 22 Rules, I do not attend docket meetings or other types of meetings, and have extremely limited interaction with staff in ORC and the programs which is usually done via Teams or conference call so that opposing counsel can also participate. The Part 22 rules require that I prevent ex parte communications on matters before my office. As RJO I infrequently am called upon to hold a hearing (usually once every one or two years). To date, I have successfully and efficiently conducted hearings electronically via Teams and phone calls. Participants have indicated a preference for electronic hearings in order to save travel time, time and expenses and it is my intention to continue the practice in the future. (b) (6)

My other work involves being on the Ethics team. 90% of my work on the ethics team concerns electronically reviewing financial reporting forms. The remainder of the work involves responding to emails and calls from Region 3 personnel to answer their ethics questions. My ethics work does not require me to be in-person in the office. I also am responsible for revising the Region's delegations. Once again, this work historically has been accomplished and will continue to be done electronically via email and teams meetings. The pandemic has proven that my work for the Region can be done electronically and remotely. All of my work is all portable, does not require the use of EPA office materials or equipment (other than my laptop), does not require that I attend meetings in person. My remote work will result in a savings to the Agency in that the Agency will not have to provide funds for transit and will reduce my commute (my commute is about 1 hour and 45 minutes each way to and from the office). I am in the same pay region so my salary will not increase due to a locality pay change. Thank you for your consideration of my application.

From: Esher, Diana
Sent: Wednesday, May 4, 2022 7:13 PM
To: Rivera, Nina
Cc: Schuman, Kevin; Waters, Anthony; Ford, Lucretia
Subject: Remote Work Approval

I have carefully reviewed the remote work application for Kathleen Root and the information provided by you, as the supervisor, regarding the applicable criteria.

Based on the AFGE Remote Work Article for bargaining unit employees, I approve this request. Per the EPA Order 3110.32, individual remote work agreements must be renewed every 12 months.

Please be on the look out for further instructions from Lucretia Ford on how to proceed with this approval. You may let your employee know that it's been approved and moving through the final process.



Diana Esher
Deputy Regional Administrator
US EPA Mid-Atlantic Region
Phone 215-814-2706
Email esher.diana@epa.gov



Appendix D - EPA-AFGE Remote Work Application/Agreement

Employee Name: Kathleen Root	Job Title & Grade: Sr. Assistant Regional Counsel & GS-14
AAship/Region and Division: Region III & ORC	Address of Official Agency Worksite: 1650 Arch Street, Philadelphia, PA 19103
Employee's Work Phone: 215-814-2684	Employee's Work E-mail Address: root.kathleen@epa.gov
First-line Supervisor: Nina Rivera	First-line Supervisor's Work Phone: 215-814-2667
Proposed Start Date: 04/11/2022	If Temporary, Proposed End Date:
Address of Remote Work Location (Including city, state and zip code): (b) (6)	
Within same Locality Pay Area of Official Agency Worksite: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [Changes to an LPA may take significant time to process. Pending Agency processing, interim arrangements may be used.]	
Phone Number: 215-814-2684	Alternate Phone Number (if available): (b) (6) (personal cell phone)
Request: Check one: <input checked="" type="checkbox"/> New Request <input type="checkbox"/> Request for Modification to Existing Agreement Check if for temporary period: <input type="checkbox"/> Temporary	
Section 2. Employee's Approved Schedule: Approved Schedule Attached. Future schedule changes will be approved through the Agency Time and Reporting System.	
Section 3. Safety Certification Safety Certification: The "Employee Self-Certification Safety Checklist" identifies significant safety standards that must be met to seek approval for Remote Work. The employee will notify the supervisor if anything changes at the location and submit a new "Employee Self-Certification Safety Checklist," if applicable.	
Section 4. Employee Certification and Signature	
Employee Certification: I certify that I have read and understand the EPA-AFGE Remote Work Article and this Remote Work Agreement. I agree to comply with the terms of the Article and will work in accordance with this Remote Work Agreement. I will adhere to all applicable guidelines, policies for timekeeping and leave, and responsibilities for government equipment and records. I have the equipment necessary to accomplish my work at my official duty station.	
<input checked="" type="checkbox"/> Remote Work Training taken on <u>04/06/2022</u> date (if available) and evidence attached. (Telework Training acceptable until Remote Training developed.)	

Explain how you can perform all of your duties as effectively from the RWL as from the Official Agency worksite, and how approval of this request will not diminish the Agency's ability to accomplish its mission and meet its operational goals:

Please see "Attachment 1 Remote Workplace Application KRoot 04072022". This attachment also includes information pertaining to my approved work schedule and Remote Work Training Completion Certification. This form is a third submittal per a request from my Supervisor, due to issues relating to Adobe Acrobat.

Please note that unlike my previous two submittals, I'm unable to sign the above employee certification field as it is locked on this form. Please accept my below signature as certification for Section 4, as well as for the remaining sections.

Approval/Disapproval (attach documentation):

☒

Approved

☐

Disapproved (cite reason(s) below)

Employee's Signature:

KATHLEEN ROOT

Digitally signed by KATHLEEN
ROOT
Date: 2022.04.14 07:06:46 -04'00'

Date:

Supervisor's Signature:

Nina Rivera

Digitally signed by Nina Rivera
Date: 2022.04.14 10:23:23
-04'00'

Date:

AA/RA (or designee) Signature:

Date:

Distribution: The supervisor and the employee should keep a copy of this form for their own records. A copy shall also be forwarded to the program/regional office remote work coordinator.

PRIVACY ACT STATEMENT

Authority: The Telework Enhancement Act of 2010 (December 9, 2010); Public Law 111-292.

Purpose: The information collected may be used to contact EPA personnel for the purposes of conducting business.

Routine Use: This information may be disclosed to a Federal, State, local agency, or other public authorities where necessary or pursuant to the Routine Uses outlined in the Privacy Act System of Records: Remote Work Application/Agreement Records.

Disclosure: The information you are providing is voluntary. However, failure to provide this information will prevent the EPA from approving or further processing your remote work application/agreement.

Explanation Section of Kathleen Root's Remote Work Application

As a senior attorney with over 30 years at EPA/ORC, I meet all the requirements for remote work-- which will not cause impediment to my work, burden on others or disruption of communication. Through my decades of work related accomplishments, I have demonstrated my ability to manage a variety of and numerous matters independently without the need for close supervision. I am extremely independent and do not require close supervision (in person or otherwise) with a proven track record of being able to fully and successfully accomplish my assigned duties. This track record includes my proven ability to work as a full time remote workplace employee since March 2020 and ability to successfully work as a telework employee for decades prior to March 2020.

My specific duties include the following general tasks related to providing legal counsel to ECAD in RCRA, CWA, Multimedia Environmental Statutes and FOIA matters. Due to my decades of experience in supporting the Agency's mission in implementing a variety of environmental statutes, my case load includes single media as well as complex multimedia matters. The below does not include specifics of case matters, as such are a result of my executing my job duties, but not properly included specifically as part of my job duties.

- Provide legal counsel to ECAD staff and managers relating to conducting investigations into potential violations of any one of these environmental statutes and related regulations: Clean Air Act, Clean Water Act, Safe Drinking Water Act, and Resource Conservation Recovery Act and other environmental statutes within the portfolio of the Office;
- Collect and analyze documentary evidence of violations; develop the record to support proposed administrative and judicial enforcement actions, including information requests, administrative orders (either unilateral or on consent), administrative complaints, judicial referrals to DOJ, proposed judicial consent decrees and other similar actions.
- Provide legal counsel to ECAD staff and managers as to negotiation and litigation strategy prior to and during negotiations of Consent Agreements and Final Orders, Administrative Orders on Consent,

Unilateral Administrative Orders, Federal Facility Compliance Agreements, Consent Decrees and other enforcement related proposed final agency documents.

- Coordinate with OECA staff and management on enforcement case development and negotiation strategy relating to federal facilities or matters of national significance.
- Coordinate with DOJ on judicial enforcement matters, including judicial enforcement case development, negotiations of proposed Consent Decrees, preparation of final Consent Decrees and implementation of court entered Consent Decrees.
- Perform legal research, develop legal memos and write briefing papers, including analyzing matters of first impression, to advise Agency decision makers in enforcement matters, policy decisions and non-enforcement related matters, such as FOIA or environmental permitting and counseling issues as assigned.
- Prepare, review comments on and, through coordination with ORC staff attorneys and managers and ECAD staff and managers and other EPA Region III staff and managers as appropriate, seek internal EPA Region III consensus on: proposed administrative notifications, administrative settlement agreements and orders and judicial consent decrees and; these documents include, notices of violations, administrative consent agreements and final orders, administrative compliance orders on consent, unilateral administrative orders, consent decrees and consent decree modifications.
- Provide recommendations to senior staff concerning the referral of judicial enforcement cases to the Department of Justice and commencement of administrative action and pursue enforcement actions before judicial and administrative tribunals.
- Participate in settlement negotiations with private parties, State representatives and Federal Agency or Department representatives, as appropriate, to seek agreement on final administrative and civil judicial settlement agreements.
- Participate in and provide feedback to national work groups to stay apprised of and assist with environmental law issues which are appropriate for coordination among EPA Regions and Headquarter offices.

Additionally, I coordinate with staff and managers in other EPA Divisions as necessary to support an assigned enforcement matter. For example, in the past two years, I have coordinated with staff and managers in the Water Division and Land, Chemicals and Redevelopment Division in order to ensure consistency of strategy among EPA Region III Divisions.

The work required to complete the above job related tasks is completely portable and can be done just as effectively from my RWL, as supported by the seamless performance of my work since March 2020. I provide counsel to ECAD, ORC, HQ and DOJ electronically via the computer, and receive and transmit documents electronically. I have successfully communicated remotely with State representatives, HQ and DOJ (which contact will remain remote given their locations), including work on federal facility enforcement matters and Consent Decree negotiations and implementation matters, with all communication and litigation material handled digitally. I also attend internal and external meetings effectively via MS Teams or Zoom with no face-to-face contact required. I have successfully and timely completed all required EPA training from my RWL during the past two years and, as appropriate, for decades prior thereto. Furthermore, I have taken numerous trainings above and beyond the EPA specific required trainings, such as Continuing Legal Education trainings, Basic Mediation Course and Advanced Mediation Course.

All functions related to my job description and assigned work can be performed remotely, via phone, the computer/email and relevant software, including Outlook, Teams, Adobe, Excel, Word, Access, WordPerfect, OneDrive and SharePoint, and other tools that have been developed during the pandemic. I am an advanced user of numerous computer applications and provide assistance to others within Region III. By these tools, I work collaboratively with ORC staff, ORC managers, ECAD staff and managers, HQ staff and managers, DOJ staff and managers. My direct program clients and I effectively communicate on a daily basis with no need to

collaborate in-person as proven by my work accomplishments since March 2020. It is expected that many of the EPA Region III program staff assigned to matters on which I provide legal counsel will continue to be expected to work in the field or permitted to work from alternate work locations much of the time.

Months ago, my office was cleared out of documents for the EPA Region III Headquarters move to a new location. All documents that I have needed have been available electronically or were moved to my RWL during 2021. I have no required routine in-person interface. In-person meetings, e.g., with outside counsel, have been, and are expected to be, infrequent. I can, however, easily arrange to come to the Regional Office for such occasional in-person meetings, or at management's request for other needs, since my RWL is nearby in the LCA.

In addition to my officially assigned duties as an EPA Region III senior staff attorney, I have also provided (and continue to provide) Mindfulness Meditation training and practice from my RWL and have been (and continue to be) an active member of EPA's Mindful EPA Advisory Council. Since July 2020, I have provided Mindfulness Meditation practice and guidance to EPA employees (regardless of status), on Tuesday and Thursday mornings between 8-8:15AM. I have organized and led these regular sessions from my RWL. This has been a significant undertaking. Currently, these sessions are regularly attended by approximately 30 Agency employees, include staff and managers from numerous EPA offices, outside of Region III, including: various HQ offices and Regions 1, 2, 4, 5, 7 and 9. The number of employees that have requested to receive these bi-weekly appointments total over one hundred. During this same time period, I have coordinated with fellow EPA Region III staff to develop EPA Region III's Mindfulness Meditation Resources List and I currently primarily maintain this listing, which is now followed and accessible to over 300 EPA employees.

Therefore, in light of all of the above, the granting of this request for remote work will not diminish in any way EPA's ability to accomplish its mission and meet its operational goals. Moreover, there is little or no expense to the Agency as a result of granting this request for remote work since my RWL is in the LCA, and the Agency will save funds by not being required to provide me a transit subsidy or dedicated office space. Moreover, with the added flexibility, enhanced work-life balance, elimination of the distraction of regular commuting and avoidance of future viral exposure by remote working, I will be more effective and productive and can extend my career at this later stage--continuing to provide my acquired institutional knowledge and specialized skills, including valued expertise in multimedia enforcement of environmental law, to further the mission of EPA.

From: Esher, Diana
Sent: Sunday, March 20, 2022 6:00 PM
To: Ford, Lucretia; Schuman, Kevin
Cc: Briggs-Steuteville, Sheila
Subject: Approval of Remote Work Application

I have carefully reviewed the remote work application for Mary Rugala and the information provided by the supervisor, Sheila Briggs-Steuteville, regarding the applicable criteria.

Based on the AFGE Remote Work Article for bargaining unit employees, I approve this request. Per the EPA Order 3110.32, individual remote work agreements must be renewed every 12 months.



Diana Esher

Deputy Regional Administrator
US EPA Mid-Atlantic Region

Phone 215-814-2706

Email esher.diana@epa.gov



Appendix D - EPA-AFGE Remote Work Application/Agreement

Employee Name: Mary E. Rugala	Job Title & Grade: Sr. Assist. Regional Counsel, Grade 15
AAship/Region and Division: Region 3 ORC (3RC10)	Address of Official Agency Worksite: 1650 Arch Street, Philadelphia, PA 19103
Employee's Work Phone: 215-814-2686	Employee's Work E-mail Address: rugala.mary@epa.gov
First-line Supervisor: Sheila Briggs-Steuteville	First-line Supervisor's Work Phone: 215-814-2468
Proposed Start Date: March 15, 2022	If Temporary, Proposed End Date:
Address of Remote Work Location (Including city, state and zip code): (b) (6)	
Within same Locality Pay Area of Official Agency Worksite: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [Changes to an LPA may take significant time to process. Pending Agency processing, interim arrangements may be used.]	
Phone Number: (b) (6)	Alternate Phone Number (if available):
Request: Check one: <input checked="" type="checkbox"/> New Request <input type="checkbox"/> Request for Modification to Existing Agreement Check if for temporary period: <input type="checkbox"/> Temporary	
Section 2. Employee's Approved Schedule: Approved Schedule Attached. Future schedule changes will be approved through the Agency Time and Reporting System.	
Section 3. Safety Certification Safety Certification: The "Employee Self-Certification Safety Checklist" identifies significant safety standards that must be met to seek approval for Remote Work. The employee will notify the supervisor if anything changes at the location and submit a new "Employee Self-Certification Safety Checklist," if applicable.	
Section 4. Employee Certification and Signature	
Employee Certification: I certify that I have read and understand the EPA-AFGE Remote Work Article and this Remote Work Agreement. I agree to comply with the terms of the Article and will work in accordance with this Remote Work Agreement. I will adhere to all applicable guidelines, policies for timekeeping and leave, and responsibilities for government equipment and records. I have the equipment necessary to accomplish my work at my official duty station.	
<input checked="" type="checkbox"/> Remote Work Training taken on <u>July 16, 2019</u> date (if available) and evidence attached. (Telework Training acceptable until Remote Training developed.)	

Explain how you can perform all of your duties as effectively from the RWL as from the Official Agency worksite, and how approval of this request will not diminish the Agency's ability to accomplish its mission and meet its operational goals:

As a senior attorney with over 30 years at EPA/ORC, I meet all the requirements for remote work--which will not cause imp

Approval/Disapproval (attach documentation):

- ☐ Approved
☐ Disapproved (cite reason(s) below)

Employee's Signature:

MARY RUGALA

Digitally signed by MARY RUGALA
Date: 2022.01.26 22:39:34 -05'00'

Date:

Supervisor's Signature:

SHEILA BRIGGS-
STEUTEVILLE

Digitally signed by SHEILA
BRIGGS-STEUTEVILLE
Date: 2022.02.10 14:21:02 -05'00'

Date:

AA/RA (or designee) Signature:

Date:

Distribution: The supervisor and the employee should keep a copy of this form for their own records. A copy shall also be forwarded to the program/regional office remote work coordinator.

PRIVACY ACT STATEMENT

Authority: The Telework Enhancement Act of 2010 (December 9, 2010); Public Law 111-292.

Purpose: The information collected may be used to contact EPA personnel for the purposes of conducting business.

Routine Use: This information may be disclosed to a Federal, State, local agency, or other public authorities where necessary or pursuant to the Routine Uses outlined in the Privacy Act System of Records: Remote Work Application/Agreement Records.

Disclosure: The information you are providing is voluntary. However, failure to provide this information will prevent the EPA from approving or further processing your remote work application/agreement.

Expanded Explanation Text:

As a senior attorney with over 30 years at EPA/ORC, I meet all the requirements for remote work--which will not cause impediment to my work, burden on others or disruption of communication. I am extremely independent and do not require close supervision (in person or otherwise) with a proven track record-- having received the highest performance rating for a number of years, including during the pandemic--and have continued to lead, as the Practice Leader for insurance recovery, during those years. My work is completely portable, as shown by the seamless performance of my work during the pandemic (and successful teleworking before). All functions can be performed electronically, with Teams and other tools that have been developed in the pandemic. I successfully communicate remotely with HQ and DOJ, including on insurance litigation, which is all digital. My program clients and I effectively communicate with no need to collaborate in-person as proven during the pandemic (many are, and will be, in the field or working remotely much of the time). My office has been cleared out of documents for the move which will be off-site/digitalized; what I need is all available electronically. I have no required routine in-person interface; in-person meetings, e.g., with outside parties, are expected to be infrequent, but I can easily arrange to come to EPA for those, or at management's request for other needs, since my home office is nearby in the LCA. There is little or no expense to the Agency for my remote work, and the govt. will save funds by not providing a transit subsidy or office space. Moreover, with the added flexibility, enhanced work-life balance, no distraction of regular commute and avoidance of future viral exposure by remote working, I will be more effective and productive and can extend my career at this later stage--continuing to provide my acquired institutional knowledge and specialized skills, including Insurance, to further the mission of EPA.

From: Esher, Diana
Sent: Tuesday, September 27, 2022 9:23 AM
To: Thomas, Donzetta
Cc: Schuman, Kevin; Ford, Lucretia; Waters, Anthony
Subject: Approval for Remote Work - Janet Sharke

I have carefully reviewed the remote work application for Janet Sharke and the information provided by you, as the supervisor, regarding the applicable criteria.

Based on the AFGE Remote Work Article for bargaining unit employees, I approve this request. Per the EPA Order 3110.32, individual remote work agreements must be renewed every 12 months.

Please be on the look out for further instructions from Lucretia Ford on how to proceed with this approval. You may let your employee know that it's been approved and moving through the final process.



Diana Esher

Deputy Regional Administrator
US EPA Mid-Atlantic Region

Phone 215-814-2706

Email esher.diana@epa.gov



Appendix D - EPA-AFGE Remote Work Application/Agreement

Employee Name: Janet E. Sharke	Job Title & Grade: Attorney/Adviser, GS 14
AAship/Region and Division: Region 3, ORC	Address of Official Agency Worksite: 4 Penn Ctr., 1600 JFK Blvd., Phila., PA 19103
Employee's Work Phone: 215-814-2689	Employee's Work E-mail Address: sharke.janet@epa.gov
First-line Supervisor: Donzetta Thomas	First-line Supervisor's Work Phone: 215-814-2474
Proposed Start Date: 10/23/22	If Temporary, Proposed End Date:
Address of Remote Work Location (Including city, state and zip code): (b) (6)	
Within same Locality Pay Area of Official Agency Worksite: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [Changes to an LPA may take significant time to process. Pending Agency processing, interim arrangements may be used.]	
Phone Number: (b) (6)	Alternate Phone Number (if available):
Request: Check one: <input checked="" type="checkbox"/> New Request <input type="checkbox"/> Request for Modification to Existing Agreement Check if for temporary period: <input type="checkbox"/> Temporary	
Section 2. Employee's Approved Schedule: Approved Schedule Attached. Future schedule changes will be approved through the Agency Time and Reporting System.	
Section 3. Safety Certification Safety Certification: The "Employee Self-Certification Safety Checklist" identifies significant safety standards that must be met to seek approval for Remote Work. The employee will notify the supervisor if anything changes at the location and submit a new "Employee Self-Certification Safety Checklist," if applicable.	
Section 4. Employee Certification and Signature	
Employee Certification: I certify that I have read and understand the EPA-AFGE Remote Work Article and this Remote Work Agreement. I agree to comply with the terms of the Article and will work in accordance with this Remote Work Agreement. I will adhere to all applicable guidelines, policies for timekeeping and leave, and responsibilities for government equipment and records. I have the equipment necessary to accomplish my work at my official duty station.	
<input checked="" type="checkbox"/> Remote Work Training taken on <u>3/1/2022</u> date (if available) and evidence attached. (Telework Training acceptable until Remote Training developed.)	

Explain how you can perform all of your duties as effectively from the RWL as from the Official Agency worksite, and how approval of this request will not diminish the Agency's ability to accomplish its mission and meet its operational goals:

Please see Attachment A.

Approval/Disapproval (attach documentation):

☐

Approved

☐ Disapproved (cite reason(s) below)

Employee's Signature:

JANET SHARKE

Digitally signed by JANET
SHARKE
Date: 2022.08.15 09:21:25 -04'00'

Date:

Supervisor's Signature:

DONZETTA
THOMAS

Digitally signed by DONZETTA
THOMAS
Date: 2022.08.23 08:57:11 -04'00'

Date:

AA/RA (or designee) Signature:

Date:

Distribution: The supervisor and the employee should keep a copy of this form for their own records. A copy shall also be forwarded to the program/regional office remote work coordinator.

PRIVACY ACT STATEMENT

Authority: The Telework Enhancement Act of 2010 (December 9, 2010); Public Law 111-292.

Purpose: The information collected may be used to contact EPA personnel for the purposes of conducting business.

Routine Use: This information may be disclosed to a Federal, State, local agency, or other public authorities where necessary or pursuant to the Routine Uses outlined in the Privacy Act System of Records: Remote Work Application/Agreement Records.

Disclosure: The information you are providing is voluntary. However, failure to provide this information will prevent the EPA from approving or further processing your remote work application/agreement.

Janet E. Sharke, Attachment A, Narrative Explanation
Appendix D, EPA-AFGE Remote Work Application/Agreement

“Explain how you can perform all of your duties as effectively from the RWL as from the Official Agency worksite, and how approval of this request will not diminish the Agency’s ability to accomplish its mission and meet its operational goals.”

As a senior attorney with more than 32 years at EPA Region 3, I meet all the requirements for remote work - which will not: impede my work; require any reassignments of my duties; present any foreseen disruption in communications or require additional technology. My decades of work-related accomplishments demonstrate my ability to manage numerous and diverse assignments independently without the need for close supervision. I have a demonstrated track record of fully and successfully accomplishing my assigned duties without close supervision (in-person or otherwise). This record includes my proven ability to work successfully both as a full-time remote workplace employee since March 2020 and as a telework employee (two days per week) for many years prior to March 2020.

Since April 2019, as a counseling attorney in ORC’s newly-formed Media Programs Counseling Branch, my specific duties have included the following general tasks related to providing legal counsel primarily to the Land, Chemicals and Redevelopment Division in FIFRA, RCRA, and TSCA matters and to ORC (attorneys and FOIA branch) and OGC in FOIA matters. Prior to April 2019, as an enforcement attorney in ORC, my specific duties included the following general tasks related to providing legal counsel to various enforcement managers and staff (including OECEJ during a two-year detail) in CAA, CWA, FIFRA, OPA, RCRA, and TSCA multi- and single-media matters and FOIA matters for OGC. Those specific duties entailed supporting the Agency’s mission and program implementation by:

- Researching legal questions relating to statutes, regulations, executive orders, caselaw, policy, and guidance for enforcement and/or counseling matters in administrative or judicial actions or any other issue affecting Agency programs, as assigned;
- Preparing legal documentation, including drafting Agency determinations, proposed regulations and Federal Register notices, as assigned;
- Providing legal advice, and developing policy recommendations, as appropriate, to regional enforcement and/or counseling clients and ORC management, as assigned;
- Handling administrative and/or judicial litigation, in connection with matters arising under federal environmental statutes and FOIA, as assigned;
- Representing the region, collaborating with and providing feedback to national work groups under RCRA, FIFRA and TSCA to stay current with environmental law and regulatory issues of national importance, as assigned.

The work required to complete the above job-related duties is completely portable and can be done just as effectively from my RWL, as demonstrated by the seamless performance of my work since March 2020 and as a teleworker prior to March 2020. If my application is approved, I will be able to carry out the duties described above as effectively from a remote work location as from the official Agency work location and continue to support program implementation (such as LCRD state program approvals), FOIA matters (for ORC and OGC) and for other clients on other matters yet to be assigned.

Regardless of work location, for years I have conducted legal research electronically through EPA's desktop library, Westlaw, Hein Online, and Federal Register databases. Legal documentation can be and is prepared, shared, reviewed, concurred, and signed electronically via Sharepoint, OneDrive or other means requiring no paper documents or "wet-ink" signatures. As a remote teleworker, for years prior to the pandemic I communicated and collaborated effectively with others via teleconference. Since March 2020, I have become adept at using Microsoft Teams, Zoom, WebX and other electronic meeting platforms to communicate/collaborate with EPA staff and management (at R3, HQ and other regions), DOJ and state counterparts and outside parties. Such virtual tools have also allowed me to attend and timely complete work-related training, including EPA mandatory training, continuing legal education courses (given by ORC and others), DOJ FOIA seminars, and the Philadelphia FEB's 2022 multi-day mediation training. I have also attended numerous R3 and ORC all-hands meetings, branch and individual docket meetings as well as weekly client huddles via Teams. I have provided legal advice, handled litigation (including e-filing with Office of ALJs), and represented the region via Teams meetings/calls or other electronic means since well prior to March 2020. My availability and responsiveness to my program clients will not change because of my work location. Finally, I have no required in-person meetings but can easily arrange to attend any such meetings as requested by clients or management, since my RWL is in the local commuting area.

For the reasons set forth above, approving this application for remote work will not diminish in any way the Agency's ability to accomplish its mission and meet its operational goals. Rather, the reduced potential exposure to COVID 19, the lack of distractions/interruptions at my RWL (aka "empty nest"), improved work-life balance, and proficiency with EPA's remote work tools will render me an even more productive and effective employee while continuing to use my skills and knowledge to fulfill EPA's mission and meet its operational goals.

Thank you for your consideration of this remote work application.